

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
NATHAN et al.

Serial No. 09/642,928

Filed: August 22, 2000



Atty. Ref.: 871-88

TC/A.U.: 2611

Examiner: C. Nalevanko

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October 24, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

10/25/2005 SZEWDIE1 00000112 09642928

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180.00 0P

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of the reference(s) is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

☐ This Information Disclosure Statement ("IDS") is being filed within three (3) months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐ This application was filed after June 30, 2003 so that copies of U.S. Patent Publications are not required and are not attached.

☒ This IDS is being filed more than three (3) months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐ a. I hereby certify that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(1).

☐ b. I hereby certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. 1.97(e)(2).

☒ c. Attached is our check in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Dep Acct No. 14-1140 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.

☐ This IDS is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check in the amount of \$180.00 to cover payment of the petition fee under 37 C.F.R. 1.17(I)(1). Please credit or debit Deposit Account No. 14-1140 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.

☐ a. I hereby certify that each item of information contained in this IDS was first cited in the attached communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(1).

☐ b. I hereby certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. 1.97(e)(2).

☐ Relevance of the non-English language reference(s) is discussed in the present specification.

☒ The references were cited in the attached Decision of the European Patent Office to revoke the related EPO Patent No. 786 125.

☐ A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix hereto.

☐ The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

☐ Copies of the references were cited by or submitted to the Office in parent Application No. _____, filed _____ and are being resubmitted herein for the Examiner's consideration. Form PTO 1449 is attached with copies of the aforementioned references.

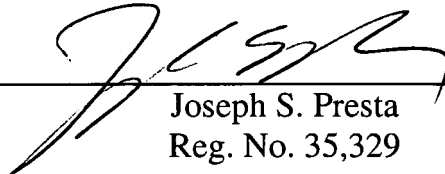
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☒ Please charge any fee associated with the filling of this paper to our Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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SERIAL NO.

871-88

09/642,928

APPLICANT

NATHAN et al.

FILING DATE

TC/A.U.

August 22, 2000

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U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS							TRANSLATION	
DOCUMENT			DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
		38 15071	11/1989	GERMANY (with Abstract from corresponding European document EP0397908)				
		38 20 835	1/1989	GERMANY			ABSTRACT	
		0 529 834	3/1993	EPO				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

[illegible]

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.